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EXAMINER

MENDOZA, JUNIOR O

ART UNIT	PAPER NUMBER
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2423

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/663,015

Applicant(s)

STECYK, POLLY

Examiner

JUNIOR O. MENDOZA

Art Unit

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 18-30 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 18-30 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 3, 6 – 14, 16, 18 – 30, 33, 34 and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (Patent No 7,134,130) in view of Johnson et al. (Pub No US 2004/0078806) further in view of Hamzy et al (Patent No US 7,490,340). Hereinafter referenced as Thomas, Johnson and Hamzy, respectively.

Regarding **claim 1**, Thomas discloses a method of supervising personal exposure to a consumer electronics device, the method comprising:
receiving a program signal suitable for conversion by the consumer electronics device into user discernible information (video and audio signals that are received from a broadcast station, column 7 lines 19-21);

receiving one or more viewer indicators indicative of one or more viewers present in a viewing area corresponding to the consumer electronics device (a room scanner (200) that scans the room for users and output signal (211) to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3);

comparing the one or more viewer indicator with a plurality of viewer specifications to identify one or more viewing profiles associated with the one or more viewers present in the viewing area (viewing criteria (216) that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2; a user recognition input device (208) that determines which users are present in a given area having access to the display (224), column 9 lines 51-53 also exhibited on fig 2; a memory (220) containing information that identifies a video content type being displayed on the display (224) and containing information about which users are to be permitted access to that content type, column 9 lines 54-57);

receiving timing information indicative of a reference time (real time clock (142) which times all the operations in the device, column 5 lines 39-40 exhibited on fig 1);

receiving content-based specifications corresponding to the one or more viewing profiles associated with the one or more viewers present in the viewing area (Col. 2 lines 4-32 also exhibited on fig 2 and 3);

receiving a content-based indicator indicative of the content of the user discernible information (the broadcasted program includes a viewer rating, which indicates whether a user has access to it or not based on such information, column 8 lines 4-15);

comparing the content-based indicator with content-based specifications corresponding to each of the one or more viewing profiles associated with the one or more viewers present in the viewing area (a processor that compares a user identity value from the input device to the memory content specifying which users are to be permitted to access a determined content, column 2 lines 12-18);

and generating a control signal based on the comparison between content-based indicator and content-based specifications (a control signal (215) sent from the decision and command processor (214) to the display controller (222) indicating whether a user has been allowed access to a content or not, column 6 lines 57-63 exhibited on fig 2).

However, it is noted that Thomas fails to explicitly disclose selecting a time range specification corresponding to the timing information; viewing profiles associated with selected time range specifications, wherein the one or more viewing profiles include a plurality of time range specifications; and comparing the content-based indicator with content-based specifications corresponding to each of the one or more viewing profiles associated with the one or more viewers and corresponding to the selected time range specifications.

Nevertheless, in a similar field of endeavor Johnson discloses selecting a time range specification corresponding to the timing information (Paragraph [0029] [0082] figure 6; weekday time ranges and weekend time ranges specific to a user);

viewing profiles associated with selected time range specifications, wherein the one or more viewing profiles include a plurality of time range specifications (Paragraph [0016] [0029] and [0082] also exhibited on fig 5 and 6);

comparing the content-based indicator with content-based specifications corresponding to each of the one or more viewing profiles associated with the one or more viewers and corresponding to the selected time range specifications (Paragraph [0016] [0029] and [0082] also exhibited on fig 5 and 6; content is blocked or allowed based on the viewer's profile, which includes the times at which the viewer is allow to watch content and the type of content rating the viewer is allow to watch).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content.

However, it is noted that Thomas and Johnson fail to explicitly disclose that the time range specifications each corresponds individually to a separate content-based specification.

Nevertheless, in a similar field of endeavor Hamzy discloses that the time range specifications each corresponds individually to a separate content-based specification (Col. 4 lines 52-67 figure 2; time censorship 210 includes a first time range 215 with a rating setting 220 and a second time range 225 with a rating setting 230).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Johnson by specifically providing the elements mentioned above, as taught by Hamzy, for the purpose of allowing a parent to configure a content receiver to show a type of content rating while children are

awake and showing a different type of content rating while children are asleep (See Hamzy; col. 4 lines 54-57).

Regarding **claim 2**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses the steps of scanning the viewing area for the presence of viewers; and generating a viewer indicator (a room scanner (200) that scans the room for users and outputting signal (211) to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3).

Regarding **claim 3**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 2; moreover, Thomas discloses the step of comparing scanned images of a viewer with stored images of selected individuals (a viewing criteria (216) which included a predetermined set of stored image parameters, which are transferred to image recognition device (212) through signal (218), where the stored image is compared to the current viewer, column 7 lines 56-64 also exhibited on fig 2).

Regarding **claim 6**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses the steps of: receiving viewer specifications (viewing criteria (216) that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2);

selecting one or more viewer specification corresponding to the one or more received viewer indicator (a user recognition input device (208) that determines which users are present in a given area having access to the display (224), column 9 lines 51-53 also exhibited on fig 2);

and receiving content-based specifications corresponding to the selected one or more viewer specification (a memory (220) containing information that identifies a video content type being displayed on the display (224) and containing information about which users are to be permitted access to such content type, column 9 lines 54-57).

Regarding **claim 7**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses the step of extracting the content-based indicator from the program signal (program content (220) provides a content indication signal (219) indicative of the type of content in the program material, col. 6 lines 62-65).

Regarding **claim 8**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the content-based indicator and the content-based specification is a rating (program content provides a rating, column 8 lines 4-15).

Regarding **claim 9**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 8; moreover, Thomas discloses that the control signal is generated if the content-based indicator rating exceeds the content-based specification rating (signal (219) provides a content type indication for the program content and decision for processor (214) to block or skip questionable content, such as violent or sexual content, hereinafter referred as questionable content, column 8 lines 52-58).

Regarding **claim 10**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the content-based indicator and the content-based specification is a subject matter category (a content indicator and content specification used to avoid contact of children with questionable content, from different content categories such as violent content or sexual content, column 6 lines 11-14).

Regarding **claim 11**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 10; moreover, Thomas discloses that the control signal is generated if the content-based indicator category matches the selected content-based category (a control signal (215) is generated from decision and command processor (214) according to the viewing criteria (216), which will block the content if there is any indication of sexual or violent content, column 6 lines 55-67 also exhibited on fig 2).

Regarding **claim 12**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the step of impairing the program signal in response to the control signal (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 exhibited on fig 3).

Regarding **claim 13**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 12; moreover, Thomas discloses that the program signal is blocked in response to the control signal (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 fig 3).

Regarding **claim 14**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the consumer electronics device is a television system and the user discernible information comprises audio/video information (the video and audio content is a television programming, which is displayed on a television display (224), column 11 lines 20-21 also exhibited on fig 2).

Regarding **claim 16**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses the steps of receiving viewer specifications (Col 5 lines 54-67);

selecting one or more viewer specification corresponding to the one or more viewer indicator (viewing criteria (216) that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2; based on the user's identity; col. 5 lines 64-67);

and receiving content-based specifications corresponding to the one or more selected viewer specification (A memory 220 containing information that identifies a video content type being displayed on the display 224 and containing information about which users are to be permitted access to such content type, column 9 lines 54-57).

However, it is noted that Thomas fails to explicitly disclose receiving content-based specifications corresponding to the selected time range specifications.

Nevertheless, in a similar field of endeavor Johnson discloses receiving content-based specifications corresponding to the selected time range specifications (Paragraph [0029] [0082] also exhibited on fig 5 and 6; weekday time ranges and weekend time ranges specific to a user);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content.

Regarding **claim 18**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses the step of extracting the content-based indicator from the program signal (program content (220) provides a content indication signal indicative of the type of content in the program material, column 6 lines 62-65).

However, it is noted that Thomas fails to explicitly disclose extracting the timing information from the program signal.

Nevertheless, in a similar field of endeavor Johnson discloses extracting the timing information from the program signal (Paragraph [0004]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content at appropriate times.

Regarding **claim 19**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses the step of generating the timing information within the consumer electronics device (real time clock (142) part of the computer system (100), which times all the processes of the device, column 5 lines 39-40 also exhibited on fig 1).

Regarding **claim 20**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses the reference time indicated by the timing information is the current time (real time clock (142) part of the computer system (100), which times all the processes of the device, column 5 lines 39-40 also exhibited on fig 1; moreover, Thomas discloses it is a *real* time clock which includes current time).

Regarding **claim 21**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses the steps of entering a viewer specification corresponding to a selected viewer or group of viewers (viewing criteria (216) includes predetermined parameters used to identify a user, such as facial features, height or hair color, column 7 lines 56-59);

and entering a content-based specification corresponding to the viewer specification (program content (220) provides a content indication signal (219) indicative of the type of content in the program material, where the program content (220) specifies whether a user is allowed to watch the content , column 6 lines 62-65).

Regarding **claim 22**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 21; moreover, Thomas discloses the step of entering a content-based specifications (blocking undesirable content over those periods of time or portions of undesirable content transmitted by the broadcast company, column 8 lines

20-30, where the blocking of such content is determined by the profile of the viewer, allowing access to content with questionable material).

However, it is noted that Thomas fails to explicitly disclose the step of entering a finite time range specification corresponding the viewer.

Nevertheless, in a similar field of endeavor Johnson discloses the step of entering a finite time range specification corresponding the viewer (Paragraph [0016] [0029] and [0082] also exhibited on fig 5 and 6; content is blocked or allowed based on the viewer's profile, which includes the times at which the viewer is allow to watch content and the type of content rating the viewer is allow to watch).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content at appropriate times.

Regarding **claim 23**, Thomas discloses a method of supervising the exposure to a consumer electronics device, the method comprising:

receiving a program signal suitable for conversion by the consumer electronics device into user discernible information (video and audio signals that are received from a broadcast station, column 7 lines 19-21);

receiving a viewer indicator indicative of a viewer present in a viewing area corresponding to the consumer electronics device (a room scanner (200) that scans the room for users and output signal (211) to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3);

receiving viewer specifications corresponding to selected viewers (viewing criteria (216) that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2; a user recognition input device (208) that determines which users are present in a given area having access to the display (224), column 9 lines 51-53 also exhibited on fig 2; a memory (220) containing information that identifies a video content type being displayed on the display (224) and containing information about which users are to be permitted access to that content type, column 9 lines 54-57);

comparing the viewer indicator with the viewer specifications to identify a viewing profile associated with one of the selected viewers present in the viewing area (a processor that compares a user identity value from the input device to the memory content specifying which users are to be permitted to access a determined content, column 2 lines 12-18);

selecting a viewer specification corresponding to the viewer indicator; wherein the viewer specification comprises different specifications (Col. 2 lines 4-32 also exhibited on fig 2 and 3);

receiving a content-based program rating indicative of the content of the user discernible information (the broadcasted program includes a viewer rating, which

indicates whether a user has access to it or not based on such information, column 8 lines 4-15);

receiving timing information indicative of a reference time (real time clock (142) which times all the operations in the device, column 5 lines 39-40 exhibited on fig 1);

receiving a content-based rating specification of the selected viewer specification (signal (219) provides a content type indication for the program content and decision for processor (214) to block or skip questionable content, such as violent or sexual content, hereinafter referred as questionable content, column 8 lines 52-58)

comparing the content-based rating with the content-based program rating (a processor that compares a user identity value from the input device to the memory content specifying which users are to be permitted to access a determined content, column 2 lines 12-18);

and impairing the program signal if the content-based program rating exceeds the content-based rating specification (the content can be impaired in order to avoid the user from watching it, column 8 lines 20-25).

However, it is noted that Thomas fails to explicitly disclose that t the viewer specification comprises a plurality of time range specifications and selecting a time range specification from the two or more time range; specifications of the selected viewer specification corresponding to the reference time; and receiving a viewer specification corresponding to the selected time range specification.

Nevertheless, in a similar field of endeavor Johnson discloses that the viewer specification comprises a plurality of time range specifications and selecting a time

range specification from the two or more time range (Paragraph [0029] [0082] also exhibited on fig 5 and 6; weekday time ranges and weekend time ranges specific to a user);

specifications of the selected viewer specification corresponding to the reference time; and receiving a viewer specification corresponding to the selected time range specification (Paragraph [0016] [0029] and [0082] also exhibited on fig 5 and 6; content is blocked or allowed based on the viewer's profile, which includes the times at which the viewer is allow to watch content and the type of content rating the viewer is allow to watch).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content.

However, it is noted that Thomas and Johnson fail to explicitly disclose that each time range specification corresponding individually to a separate content-based rating specification.

Nevertheless, in a similar field of endeavor Hamzy discloses that each time range specification corresponding individually to a separate content-based rating specification (Col. 4 lines 52-67 figure 2; time censorship 210 includes a first time range 215 with a rating setting 220 and a second time range 225 with a rating setting 230).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Johnson by specifically providing the elements mentioned above, as taught by Hamzy, for the purpose of allowing a parent to configure a content receiver to show a type of content rating while children are awake and showing a different type of content rating while children are asleep (See Hamzy; col. 4 lines 54-57).

Regarding **claim 24**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 23; moreover, Thomas discloses that the program signal is impaired by scrambling the program signal (The content being impaired to the viewer can be done through signal scrambling, column 8 lines 20-25).

Regarding **claim 25**, Thomas, Johnson and Hamzy disclose the limitations of claim 25; therefore, claim 25 is rejected for the same reasons as in claim 13.

Regarding **claim 26**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 23; however, it is noted that Thomas fails to explicitly disclose that the selected time range specification repeats for each day of a workweek.

Nevertheless, in a similar field of endeavor Johnson discloses that the selected time range specification repeats for each day of a workweek (Figure 6; parameters 607, viewing hours for weekdays).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content.

Regarding **claim 27**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 23; moreover, Thomas discloses receiving a second viewer indicator indicative of a second viewer present in the viewing area (See claim 19 of the reference also exhibited on fig 3);

comparing the second viewer indicator with the viewer specifications to identify a second viewing profile associated with a second one of the selected viewers present in the viewing area (a room scanner (200) that scans the room for users and output signal (211) to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3);

selecting a second viewer specification corresponding to the second viewer indicator, wherein the second viewer specification comprising different content-based rating (viewing criteria (216) that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2; a user recognition input device (208) that determines which users are present in a given area having access to the display (224), column 9 lines 51-53 also exhibited on fig 2; a memory (220) containing information that identifies a video content type being displayed on the display (224) and containing

information about which users are to be permitted access to that content type, column 9 lines 54-57);

receiving a second content-based rating specification of the second viewer specification (Col. 2 lines 4-32 also exhibited on fig 2 and 3);

comparing the second content-based rating with the content-based program rating (a processor that compares a user identity value from the input device to the memory content specifying which users are to be permitted to access a determined content, column 2 lines 12-18);

and wherein the step of impairing the program signal includes impairing the program signal if the content-based program rating exceeds the content-based rating specification or the second content-based rating specification (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 also exhibited on fig 3).

However, it is noted that Thomas fails to explicitly disclose specifications corresponding to each of two or more time range specifications and selecting a time range specification from the two or more time range specifications of the second viewer specification corresponding to the reference time.

Nevertheless, in a similar field of endeavor Johnson discloses specifications corresponding to each of two or more time range specifications (Paragraph [0029] [0082] also exhibited on fig 6; weekday time ranges and weekend time ranges specific to a user);

selecting a time range specification from the two or more time range specifications of the second viewer specification corresponding to the reference time (Paragraph [0016] [0029] and [0082] also exhibited on fig 5 and 6; content is blocked or allowed based on the viewer's profile, which includes the times at which the viewer is allow to watch content and the type of content rating the viewer is allow to watch).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content.

Regarding **claims 28 and 29**, Thomas, Johnson and Hamzy disclose the limitations of claims 28 and 29; therefore, claims 28 and 29 are rejected for the same reasons as in claims 2 and 3, respectively.

Regarding **claim 30**, Thomas, Johnson and Hamzy disclose the limitations of claim 30; therefore, claim 30 is rejected for the same reasons as in claims 7 and 8, respectively.

Regarding **claim 33**, Thomas, Johnson and Hamzy disclose the limitations of claim 33; therefore, claim 33 is rejected for the same reasons as in claims 18 and 8, respectively.

Regarding **claim 34**, Thomas, Johnson and Hamzy disclose the limitations of claim 34; therefore, claim 34 is rejected for the same reasons as in claim 19.

Regarding **claim 35**, Thomas, Johnson and Hamzy disclose the limitations of claim 35; therefore, claim 35 is rejected for the same reasons as in claims 21 and 22, respectively.

4. **Claims 4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Johnson in view of Hamzy further in view of Gang-Sik Yoon (Korean Pub No 10-2000-0033070). Hereinafter, referenced as Yoon.

Regarding **claim 4**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 3; however, it is noted that Thomas, Johnson and Hamzy fail to explicitly disclose the step of storing images of selected individuals.

Nevertheless, in a similar field of endeavor Yoon discloses the step of storing images of selected individuals (a face image acquisition part (60) acquires the face image of each member within the viewing group, paragraph 22 also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Johnson by specifically providing the elements mentioned above, as taught by Yoon, for the purpose of storing an image from each user for future reference and recognition.

Regarding **claim 5**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 4; however, it is noted that Thomas, Johnson and Hamzy fail to explicitly disclose the step of photographing selected individuals.

Nevertheless, in a similar field of endeavor Yoon discloses the step of photographing selected individuals (the recognition part (100) takes an image of the current viewer, paragraphs 23 also exhibited on fig 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Johnson by specifically providing the elements mentioned above, as taught by Yoon, for the purpose of acquiring an image of the current user in order to recognize the identity of such, which in consequence will determine what programs that specific viewer is allowed to watch.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
June 10, 2009

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423